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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/595,404	04/14/2006	John Szymanski	2-1161-011	8703
803	7590	11/09/2006	EXAMINER	
STURM & FIX LLP 206 SIXTH AVENUE SUITE 1213 DES MOINES, IA 50309-4076			ARK, DARREN W	
			ART UNIT	PAPER NUMBER
			3643	

DATE MAILED: 11/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.		Applicant(s)	
	10/595,404		SZYMANSKI, JOHN	
	Examiner		Art Unit	
	Darren W. Ark		3643	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 September 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2 and 4-27 is/are pending in the application.
- 4a) Of the above claim(s) 2,6-12,18-20 and 24-26 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,4,5,13-17,21-23 and 27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>4/14/2006</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. The Examiner would like to indicate to applicant that claim 27 was inadvertently omitted from the listing of claims submitter per the amendment filed on 9/28/2006. The listing of claims ended with claim 26.

Election/Restrictions

2. Claims 2, 6-12, 18-20, and 24-26 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected Species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 9/28/2006.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claim 27 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 27 does not properly set forth the desired invention by merely generally referring to the drawings.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1, 4, 5, 14, 14/4, 14/5/4, 15, 15/4, 15/5/4, 16, 16/4, 16/5/4, 16/14, 16/15, 17, 17/14, 17/15, 17/16, 22, 23, 27 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Japanese Pat. No. 11-103745 to Shiyouji.

Shiyouji discloses a retrieval aid comprising a shaft (1, 2, 4-7) with a line engagement member (3) at one end (2, 3a) and the other end being adapted to be supported by a user (1), the engagement member formed as a single substantially circular coil (see Figs. 1-4), the coil comprises more than one turn but less than two turns (see Fig. 1), the coil is inclined at an acute angle to an axis extending from the end of the shaft (defined by 3a) and is coaxial with the central axis of the shaft (defined by 1, 2, 4-7).

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Art Unit: 3643

8. Claims 13, 14/13, 15/13, 16/13, 17/13, 21/13, 22/13, 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Japanese Pat. No. 11-103745 to Shiyouji in view of Ericksen 5,628,538.

Shiyouji does not disclose a retention member slidable along the shaft and a cord which is fixed at one end to the retention member or the shaft being formed to prevent disengagement of the retention member from either end of the shaft. Ericksen discloses a retention member (44) slidable along the shaft (20; 44 not permanently affixed to 20) and a cord (lanyard rope) which is fixed at one end to the retention member (via 42, 46), the shaft being formed to prevent disengagement of the retention member from either end of the shaft (44 having a diameter slightly less than diameter of 20 and 20 formed from resilient material), which allows a fisherman to tie the staff to himself so that the fisherman can release the staff to free both hands so he does not have to worry about losing the staff and makes it easier to transport the staff. It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify the device of Shiyouji such that it has a retention member slidable along the shaft and a cord fixed to one end of the retention member in view of Ericksen in order to provide means to affix the device to the user so as to allow the user to free both hands and to make it easier to transport the device.

In regard to claim 21/13, Shiyouji discloses an acute angle, but does not particularly disclose the acute angle being between 10 and 60 degrees. It would have been obvious to one of ordinary skill in the art to modify the device of Shiyouji such that the acute angle is between 10 and 60 degrees since applicant has not disclosed that by

doing so produces any unexpected results or is critical to the design and it appears that the device of Shiyouji would perform equally as well by doing so, and because a person of ordinary skill in the art would readily incline the coil at the desired acute angle such that the line can be readily received therein.

9. Claims 21, 22/21, 23, 23/22/21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Japanese Pat. No. 11-103745 to Shiyouji.

Shiyouji discloses an acute angle, but does not particularly disclose the acute angle being between 10 and 60 degrees. It would have been obvious to one of ordinary skill in the art to modify the device of Shiyouji such that the acute angle is between 10 and 60 degrees since applicant has not disclosed that by doing so produces any unexpected results or is critical to the design and it appears that the device of Shiyouji would perform equally as well by doing so, and because a person of ordinary skill in the art would readily incline the coil at the desired acute angle such that the line can be readily received therein.

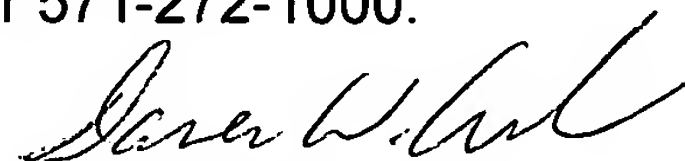
Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Japanese Pat. No. 2000-316447 discloses a free end of the coil (5e) extending tangentially from the coil (see Figs. 1, 6, 7) and being spaced slightly from the previous turn (see Fig. 5). Dick 6,840,002 discloses a free end of the coil (5) extending tangentially from the coil (see Figs. 2, 3) and being spaced slightly from the previous turn (see Fig. 1). Karpes 2,948,077 discloses a cord (26) attached to a shaft (16) for being held by a user.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Darren W. Ark whose telephone number is (571) 272-6885. The examiner can normally be reached on M-F, 8:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter M. Poon can be reached on (571) 272-6891. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Darren W. Ark
Primary Examiner
Art Unit 3643

DWA